IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1289 OF 2005

Mr.R.Gunasekaran ..Petitioner

Vs.

Mahalakshmi Vastra Sanchar
and Ors. ..Respondents

...

Mr. M.C.Shah i/b Ajay Rao Advocate for Petitioner
Mr.Harihar Bhave i/b Ms.Bhave and Co. for Respondent NO.1.
Mr.V.B.Konde-Deshmukh,A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JUNE 22,2005

P.C.

1. Heard both sides.

2. The petitioner is seeking quashing of process issued by the learned Addl.Chief Magistrate, 21st Court, Bandra, Mumbai in C.C.No.224/SS/2005. The said case is under Section 138 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 8th June, 2005 in Cri.Application No. 645 of 2005 and order dated 13th June, 2005 in W.P.No. 213 of 2005, in my view, it is clear that the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioner prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioner states that the necessary revision will be preferred within a period of five weeks from today. However, he has prayed that the proceedings before the trial Court may be stayed for a period of five weeks from today. Looking to the facts and circumstances, said prayer appears to be reasonable and hence, the proceedings before the trial Court are stayed for a period of five weeks from today.

5. By an order dated 3rd May, 2005 the petitioner

was directed to furnish local surety after his release. As a last chance, time to furnish local surety is extended upto 12.7.2005.

6. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

7. The learned advocate for the petitioner states that he will give five days advance notice to the respondents in respect of filing of revision application.

7. Writ Petition is disposed of.

8. Authenticated copy be issued to the parties.

[V.K.TAHILRAMANI,J.]